

**STATE OF WEST VIRGINIA
WEST VIRGINIA SECURITIES COMMISSION
BEFORE THE SECURITIES COMMISSIONER
CHARLESTON, WEST VIRGINIA 25305**

ORDER NO.97-1227

**EXAMINATION REQUIREMENT FOR AGENT WHO RELIES
UPON EXCLUSIONS
FROM DEFINITION OF INVESTMENT ADVISER
REPRESENTATIVE
(32-4-401(h)(5))**

Pursuant to the authority granted to him by Chapter 32, of the West Virginia Code, 1931, as amended ("the West Virginia Uniform Securities Act"), hereinafter sometimes referred to as the "Act", and particularly Chapter 32, Article 4, Section 412 of the Act, the Commissioner of Securities ("Commissioner") has reviewed the enactment of House Bill 2842 (the "Bill") which has passed by the West Virginia Legislature during its 1997 legislative session.

Pursuant to said review, the Commissioner is of the opinion and finds as follows:

FINDINGS OF FACT

1. The Bill partially excludes an Agent from the definition of Investment Adviser Representative.
2. The Act and Rule currently do not require an Agent to take qualifying examinations to be an Investment Adviser Representative.
3. The Act currently does not require an applicant to be qualified to engage in the securities business in the state of the applicant's principal place of business.
4. This Order is necessary and appropriate in the public interest, for the protection of investors and to achieve maximum uniformity.

CONCLUSIONS OF LAW

1. Chapter 32, Article 4, Section 412(a) of the Act provides that the Commissioner may from time to time make orders as necessary to carry out the provisions of the Act.
2. This Order is consistent with the purposes fairly intended by the policies and provisions of the Act as required in Chapter 32, Article 4, Section 412(b) of the Act.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. An Agent who relies upon exclusions from the definition of Investment Adviser Representative is required to pass the following qualifying examinations:
 - A. Uniform Investment Adviser Law Examination (Series 65), and one (1) other examination; or
 - B. Full Registration/General Securities Representative (Series 7(GS)), and one (1) other examination; or
 - C. Uniform Combined State Law Examination (Series 66).
2. No waiver will be considered, except upon written application.
3. An applicant must be registered or qualified to engage in the securities business in the state of the applicant's principal place of business.
4. This order shall remain in effect until modified or vacated by the Commissioner.

Entered this 10th day of July 1997.

Glen B. Gainer III
Commissioner of Securities

By: Barbara Harmon Schamberger
Deputy Commissioner of Securities